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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,459	01/06/2004	Gyia-Yen Chen	4658-012	2352
22429	7590	11/18/2004	EXAMINER	
LOWE HAUPTMAN GILMAN AND BERNER, LLP			SMITH, ARTHUR A	
1700 DIAGONAL ROAD			ART UNIT	
SUITE 300 /310			PAPER NUMBER	
ALEXANDRIA, VA 22314			2851	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,459

Applicant(s)

CHEN, GYIA-YEN

Examiner

Arthur A Smith

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 06 January 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

It appears page 7 lines 16-17 that "figure 2" should read - - figure 4 - -.

Appropriate correction is required.

Claim Objections

Claim 1 is objected to because of the following informalities:

Before "motion" insert - - the - -

Before "being" insert - - is - -.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaneko (US 5565941).

In reference to claim 1, Kaneko discloses a flash device comprising: a flash unit, ref. 140, an electromagnetic valve, ref. 130, a spring, ref. 14, for unfolding said flash unit out; a shaft, ref. 128, with two ends, a first end connected to said spring and reacted to motion of said spring, see fig. 2, and second end, ref. 128a, as a clip used to withhold

said flash unit, col. 3 lines 25-39; a buckle, ref. 147, clipped by said clip when said flash unit is shut; and a pusher, ref. 134, used to push said shaft when said flash unit is being press to shut, col. 3 lines 59-67.

In reference to claims 2 and 4, Kaneko discloses wherein the flash unit is a built-in flash unit and wherein the built-in flash unit is able to pop-up manually, col. 4 lines 40-54.

In reference to claims 5 and 6, Kaneko discloses wherein said electromagnetic valve is a one-way electromagnetic valve and is placed at a normal close position by magnetic force, col. 3 lines 40-58.

In reference to claims 7 and 8, Kaneko discloses wherein elasticity of said spring is between a holding force and a releasing force of said electromagnetic valve and wherein said elasticity is the force that drives the iron core of said electromagnetic valve outwards and makes the flash unit open, col. 3 lines 40-67.

In reference to claims 9 and 10, Kaneko discloses wherein an external force is needed to press said flash unit down to close said flash unit and wherein a gap between said shaft and said pusher is needed when said flash unit is close, otherwise said flash unit is unable to open again, see fig. 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko (US 5565941) in view of Hosokawa et al. (US 6351609 B1).

Kaneko discloses all the limitations of the parent claim as discussed above. Kaneko however, does not specifically disclose wherein said built-in flash unit pops up when insufficient illumination is detected. However, Hosokawa et al. discloses a camera with a built-in flash wherein said built-in flash unit pops up when insufficient illumination is detected, col. 8 lines 18-29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to realize that the built-in flash of Kaneko could be modified by the teachings of Hosokawa et al. to pop up when insufficient illumination is detected. This would be done to provide for automation of the camera and thus reduce the chance of human error.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (571) 272 2129. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (572) 272 2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2851

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur A. Smith
November 15, 2004